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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.M.C. 8710/2024, CRL.M.A. 33319/2024**  
**BAL KISHAN**

.....Petitioner

Through: Mr. Tarun Chandiok and Ms. Ambhi  
Goyal, Advs.

versus

**STATE OF NCT OF DELHI**

.....Respondent

Through: Mr. Satinder Singh Bawa, APP for  
the State with SI Ravi Yadav, PS  
Lajpat Nagar.

**CORAM:**

**HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

**ORDER**

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**07.11.2024**

**CRL.M.A. 33318/2024**

Exemption allowed, subject to just exceptions.

Application stands disposed of.

**CRL.M.C. 8710/2024, CRL.M.A. 33319/2024**

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioner for setting aside order dated 19.10.2024 passed by learned ASJ-03, Saket courts Complex, New Delhi in CRL. APPEAL 252/2024 (FIR No. 262/2008 under Sections 354/452/506/509 IPC registered at P.S.: Lajpat Nagar).
2. Learned APP for the State appears on advance notice.
3. In brief, vide judgment dated 14.08.2024, petitioner was convicted by learned trial court under Sections 354/506(II)/451 IPC. Further vide order dated 10.07.2024, the prayer of petitioner for releasing him on probation was declined. Thereupon, petitioner preferred an appeal before the learned



Appellate Court challenging aforesaid order dated 10.07.2024 which was dismissed vide impugned order dated 19.10.2024, observing that the appeal is premature having been preferred prior to passing of order on point of sentence by learned MM.

4. At this stage, learned counsel for petitioner seeks to withdraw the petition subject to condition that observations in the impugned order dated 19.10.2024 passed by the learned Appellate Court shall not prejudice the rights and contentions of the petitioner on the point of sentence before the learned Trial Court or before the Appellate Court, if the order on sentence is challenged.

5. Taking the statement of learned counsel for petitioner on record, petition is accordingly disposed of. The observations in impugned order dated 19.10.2024 passed by the learned Appellate Court shall not prejudice the rights and contentions of the petitioner on the point of sentence before the learned Trial Court or before the Appellate Court, if the order on sentence is challenged.

Pending applications, if any, stand disposed of.

**ANOOP KUMAR MENDIRATTA, J.**

**NOVEMBER 07, 2024/p**